

REMARKS

Claims 1-7, 9-17, 19-23 and 25-50 are pending.

Rejection of claims 1-7, 9-17, 19-23 and 25-50 under 35 USC 103(a) as being unpatentable over van Rietschote (US Pat No 6,757,778) in view of DeKoning, et al. ("DeKoning" US Pat 6, 769,022) and in further view of Hirschfeld, et al. ("Hirschfeld" US publication No. 2003/0051021).

Applicant respectfully submits that for at least the reasons discussed below the claims are patentably distinguishable over the teachings of van Rietschote, DeKoning and Hirschfeld.

Applicant's claim 1 recites "a data manager (DM) for facilitating communications with said virtualization switches, wherein the data manager configures said cluster of virtualization switches by automatically applying volume parameters of a first virtualization switch connected in said cluster to each new virtualization switch added to said cluster." (Emphasis added)

The Office Action points to van Rietschote col. 5, line 63 to col. 6, line 5 and col. 8, lines 9-20 as showing the claimed features. The Office Action is apparently equating the storage virtualizer 34 communicates with virtualization switches as being equivalent to applicant's claimed data manager (DM) communicating with the virtualization switches.

However, van Rietschote states that the storage virtualizer 34 processes the network commands and/or storage commands received from the operating system and

maps the state of the virtual storage devices to files. (Cols. 5-6, lines 63-5). Thus, van Rietschote teaches that the storage virtualizer 34 maps the state of the virtual storage devices to files. There is no suggestion in van Rietschote of a data manager that accesses the virtualization switches (and not the storage devices) for configuring a cluster of virtualization switches by automatically applying volume parameters of a first virtualization switch connected in the cluster to each new virtualization switch added to the cluster. The storage devices in van Rietschote cannot be equated to applicant's claimed virtualization switch.

Furthermore, the Office Action points to col. 8, lines 9-20, however, van Rietschote teaches storage commands transmitted by the storage driver 18 to the virtual storage devices (col. 7, lines 61-66) and that additional storage commands may be created to expand the API for the virtual storage device (col. 7, lines 66 to col. 8, line 10).

Here again van Rietschote is describing storage commands and an API for the virtual storage device. This is completely different from automatically applying volume parameters of a first virtualization switch connected in the cluster to each new virtualization switch added to the cluster, as claimed by Applicant. Commands forming an API for the virtual storage device fail to suggest to one skilled in the art any of the above mentioned features of claim 1.

Additionally, Applicant's feature of automatically applying volume parameters of a first virtualization switch connected in the cluster to each new virtualization switch added to the cluster, is different from copying a virtual storage device as suggested in the first

paragraph of page 3 in the Office Action. Copying data from one storage device to another as in van Rietschote does not suggest or even provide a hint of the claimed features with regard to volume parameters of a first virtualization switch.

Furthermore, van Rietschote fails to mention or even suggest that a virtual storage device is copied to each new storage device added to a cluster. Whereas, applicant's claim 1 recites automatically applying volume parameters of a first virtualization switch connected in said cluster to each new virtualization switch added to the cluster.

In addition, with regard to the new reference Hirschfeld, the Office Action states that neither van Rietschote nor DeKoning teaches Applicant's claim 1 features of configuring virtualization switches that are geographically distributed. The Office Action asserts that Hirschfeld shows this feature. The Office Action indicates that Hirschfeld discloses the feature in paragraph [0034]-[0035]:

"a virtualized logical server cloud 101 illustrating relationships between the logical servers 106 forming a logical server cloud 201, the bank of physical servers 108, a shared network 211 and the SCM 102."

The virtualized logical server cloud, discussed in Hirschfeld, apparently enables logical servers to exist independent of physical servers that instantiate the logical servers. The logical servers reside in each physical server have common physical resources virtualized using virtualization software.

Virtualization software and virtualization servers (or desktop) are related to the art of virtual machines and cannot be viewed or interpreted as virtualization switches operating in storage networks. Specifically, Applicant's claims 1 and 7 recite configuring and managing a cluster of distributed virtualization switches connected over a network to enable efficient configuration and creation of virtual volumes in a storage network. Thus, applicant respectfully submits that Hirschfeld fails to cure the deficiencies of van Rietschote and DeKoning in teaching the above mentioned claimed features.

In addition, the Office Action states that one would be motivated to combine the teachings of van Rietschote and DeKoning with Hirschfeld to provide a cloud of virtualization switches. According to the Office Action the cloud of virtualization switches would allow users and non-technical people to easily access their storage and not be physically near the storage device or having to know where the physical storage device actually resides.

However, applicant respectfully submits that this interpretation is incorrect. One of the objectives of the Applicant's invention is to reduce the time required for a user to configure and manage a cluster of virtualization switches that are geographically distributed. While configuring the cluster of virtualization switches the location of the user with respect to the physical storage devices is irrelevant. The location of the switches within the cluster is important, as the Applicant's invention allows to automatically configuring a new virtualization switch added to the cluster irrespective of its location.

For at least the foregoing reasons it is respectfully submitted that the combination of Rietschote, DeKoning or Hirschfeld does not teach or even suggest all of the features recited in claim 1. Therefore, the combination of the cited references cannot render obvious Applicant's claim 1 because a *prima facie* case of obviousness has not been presented.

With regard to claim 19, the Office Action asserts Hirschfeld discloses that the management parameters are shared among all virtualization switches. Applicant respectfully disagrees with this assertion. As discussed above the logical servers (LS) cannot be viewed or interpreted as the virtualization switches. The management parameters are not shared for the purposes of backups or template configurations, but rather for synchronizing parameters that are common to all switches, such as access control list (ACL).

The analysis of the other independent claims 20, 33, 42 is substantially analogous to the analysis of claim 1, as presented hereinabove. To avoid repetition, these claims will not be discussed in detail with the understanding that they are patentable at least for the same reasons as claim 1. Applicant, therefore, respectfully submits that the rejection of claims 20, 33, 42 should be withdrawn. The dependent claims are also allowable at least by virtue of their dependency from an allowable base claim and because each claim recites further distinguishing features.

CONCLUSION

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (973) 401-7157, so that a mutually convenient date and time for a telephonic interview may be scheduled.

Any fee due this paper may be charged to, or overpayment credited to, deposit account **50-3894**.

Respectfully submitted,

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